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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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MCCARTHY

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JAMES S. PARKER
SALIWANCHIK, LLOYD & SALIWANCHIK
2421 N.W. 41ST STREET
GAINSEVILLE FL 32606-6669

EXAMINER

NGUYEN, K

ART UNIT

PAPER NUMBER

2839

DATE MAILED:

07/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/330381

Applicant(s)

Mc CARTHY

Examiner

K. NGUYEN

Group Art Unit

2839

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 11, 14-15, 17-19 are rejected under the judicially created doctrine of double patenting over claims 1-16 of U. S. Patent No. 5,934,937 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: A electrical connector for coupling to an electrical conductor comprising a body having an electrically conductive prong.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

3. Claims 1 and 8 are objected to because of the following informalities: In claim 1 at lines 9 and 17-18, the recited features "said body cap" and "said bottom terminal connector" lack proper antecedent basis. Claim 8 should be changed to depend on claim 7 which recites "a pair of prongs". Appropriate correction is required.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11-12, 14-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrington.

Herrington discloses an electrical connector (10) for coupling to an electrical conductor (33) comprising a body having an electrically conductive prong (21). A gripping or compression collar having a plurality of gripping means or fingers (30). A body cap (25) threadably attachable to the body. Wherein, an end of an electrical conductor can be passed through the body cap and through the gripping collar and driven onto the electrically conductive prong such as to make electrical contact between the electrical conductor and the conductive prong.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 9-15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth in view of Britain' 156.

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8. Barth discloses a battery cable connector comprising a body (15) having threads formed thereon and having an electrically conductive prong (14) attached thereto along an elongated axis of said body and extending therefrom for piercing the end of an electrical cable (13). A cap (11) having threads thereon removably attached to said body threads and having an opening therethrough. Said cap being aligned with said body conductive prong when said cap is attached to said body. Barth lacks a compression collar sized to fit over said conductive prong and over an electrical conductor passing through said cap. Britain discloses an electrical cable connector for electrically connecting a cable (12) to a conductive prong (10) provided with a compression collar having a plurality of gripping fingers (15) and a flared end for retaining the collar within a cap (14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a compression collar having a plurality of gripping fingers and a flared end for battery cable connector of Barth in view of the teachings of Britain' 156. A compression collar would provide for better retention of the cable to the connector body which would result in a better electrical connection between the cable's conductors and the conductive prong.


9. Claims 7-8, and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barth in view of Britain' 156 as applied to claims 1 and 11 above, and further in view of Gourley et al.

Barth in view of Britain' 156 discloses the claimed instant invention except an electrical conductive prong having two ends. Gourley et al. discloses a conductive prong (31) for cable connection having two ends. Therefore, it would have been obvious to one having ordinary skill

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in the art at the time the invention was made to provide a two ends conductive prong for the modified connector device of Barth in view of Britain' 156. This feature would allow for simultaneous connection of multiple cables to one connector housing.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Khiem Nguyen whose telephone number is (703) 308-1738.


Khiem Nguyen
Primary Examiner

K.N.

July 26, 2000